

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C.

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FCC 96-61

In the Matter of	)	
	)	
Interconnection Between Local Exchange	)	
Carriers and Commercial Mobile Radio	)	CC Docket No. 95-185
Service Providers	)	
	)	
Equal Access and Interconnection	)	
Obligations Pertaining to Commercial	)	CC Docket No. <u>94-54</u>
Mobile Radio Service Providers	)	

FEDERAL MAIL SECTION  
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**ORDER AND SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING**

Adopted: February 16, 1996

Released: February 16, 1996

Comments Date: March 4, 1996

Reply Comment Date: March 25, 1996

Comments and Reply Comments are to be filed in CC Docket No. 95-185 only.

By the Commission:

1. On January 11, 1996, the Commission released a Notice of Proposed Rulemaking in the above-referenced dockets.<sup>1</sup> Since the release of the *Notice*, Congress enacted the Telecommunications Act of 1996.<sup>2</sup> In addition, interested parties have filed requests that the Commission extend the dates for filing comments and reply comments. In light of these events, the Commission asks for additional comment in this proceeding and revises the pleading cycle accordingly.

2. The National Association of Regulatory Utility Commissioners ("NARUC") and GTE Service Corporation ("GTE") have filed motions to extend the dates that initial and reply comments are due in the above-referenced dockets. Specifically, NARUC requests that the date that initial comments are due be extended four (4) days from February 26, 1996 to

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<sup>1</sup> Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Service Providers, CC Docket Nos. 95-185, 94-54, Notice of Proposed Rulemaking, FCC 95-505 (released Jan. 11, 1996) (*Notice*).

<sup>2</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

March 1, 1996 and the date reply comments are due be extended from March 12, 1996 to March 24, 1996. GTE requests that the dates for filing initial and reply comments be extended one month to March 26, 1996 and April 26, 1996, respectively. The Cellular Telecommunications Industry Association ("CTIA") has filed a response opposing GTE's request, but not opposing NARUC's request. Ameritech Operating Companies ("Ameritech") filed comments in support of GTE's motion.

3. In support of its position, NARUC states that the present deadline of February 26, 1996 for filing initial comments falls two days before the conclusion of its previously scheduled winter meeting. NARUC states it was planning to use its winter meeting to reach a consensus on the issues raised in these dockets. NARUC indicates that it is willing to file its initial comments two days after its winter meeting concludes. With respect to the date for filing reply comments, NARUC states that the deadline does not give its members sufficient time to review initial comments and formulate a response. NARUC notes that it frequently takes a week for some of its western members to receive copies of comments, and that many of its state commission members have procedural rules requiring several days notice for approval of pleadings before they can be filed.

4. GTE argues that due to the complexity of the issues raised in these dockets it needs more time to adequately address these issues. GTE also asserts that it needs additional time to formulate its response in light of the recently enacted Telecommunications Act of 1996. Accordingly, GTE requests a 30 day extension of each of the filing deadlines.

5. While CTIA does not oppose NARUC's request, it does oppose GTE's request. CTIA states that GTE's request would significantly delay the timely resolution of the issues raised in these dockets. Ameritech, however, agrees with GTE that it needs additional time to review the new legislation and it also states that it is in the process of negotiating several interconnection agreements. Ameritech states that when these agreements are completed they will be relevant to the Commission's analyses.

6. We agree with GTE and Ameritech that the Telecommunications Act of 1996 may have an impact on this proceeding and should be considered by parties formulating their comments and reply comments.<sup>3</sup> Therefore, we are issuing this Supplemental Notice of Proposed Rulemaking to seek comments on the implications of the Telecommunications Act of 1996 on the Commission's proposals and topics for comment regarding interconnection between local exchange carriers and commercial mobile radio service providers as identified and outlined in the *Notice*. In particular, commenters should address the extent to which the recent legislation may affect the jurisdictional discussion in paragraphs 96 through 114 of the *Notice*.

7. Because we are seeking supplemental comments in this proceeding and because we find there is merit to requests for an extension of time, we hereby revise the deadlines for

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<sup>3</sup> We note that sections 251 through 253 of the Telecommunications Act of 1996 may impact the proposals in the *Notice*.

the filing of all comments and reply comments in this proceeding. In particular, we recognize that NARUC is attempting to overcome concrete timing problems beyond its own control and that granting an extension permits NARUC to develop a consensus position and ensures that each of its members has a chance to actively participate in these proceedings. In addition, we believe that our extension will provide commenters adequate time to consider our additional questions and to prepare comments in light of the new legislation. GTE, however, has not presented a sufficient justification for extending by 30 days each of the filing deadlines. Granting its motion would jeopardize the timely resolution of the issues raised in these dockets. Accordingly, initial comments will be due on March 4, 1996 and reply comments will be due on March 25, 1996.

8. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. See generally 47 C.F.R. §§ 1.1202, 1.1203, 1.1206.

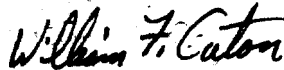
9. Comments and reply comments should be captioned in CC Docket No. 95-185 only. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before March 4, 1996, and reply comments on or before March 25, 1996. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and nine copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

10. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 4, 201-205, 215, 218, 220, 303(r) and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201-205, 215, 218, 220, 303(r) and 332, and the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), an ORDER AND SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING is hereby ADOPTED.

11. IT IS FURTHER ORDERED that, the motions for extension of time filed by NARUC and GTE ARE GRANTED to the extent described herein and otherwise DENIED.

12. IT IS FURTHER ORDERED, that initial comments in the above-referenced dockets will be due March 4, 1996 and reply comments will be due March 25, 1996.

FEDERAL COMMUNICATIONS COMMISSION

  
William F. Caton  
Acting Secretary